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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,744	09/12/2003	Takashi Nozaki	031117	5997
23850 7590 06/10/2009 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
MARCUS, LELAND R				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
06/10/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/660,744

Applicant(s)

NOZAKI ET AL.

Examiner

Leland Marcus

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36-38, 40 and 42-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 1-4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36-38, 40 and 42-48.

DETAILED ACTION

Claims 1-4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36-38, 40, and 42-48 are pending in the instant application, Applicant having cancelled claims 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 7, 29, 31, 33, 35, 39, and 41, and added claim 48. As Applicant has cancelled claims 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 7, 29, 31, 33, 35, 39, and 41, all previous rejections of those claims are therefor withdrawn.

The citation of references or the text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Specification

35 U.S.C. 112, 1st paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification appears to be a literal translation into English from a foreign document and, as such, is replete with grammatical and idiomatic errors is replete with terms which are not clear, concise, and exact. The specification should be idiomatically translated into English.

Claim Objections

The claims section is objected to because the claims are generally indefinite and fail to conform to current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. The claims should be idiomatically translated into English. For purposes of examination, the Examiner will review claims that appear to be similar as a group.

Claim Rejections - 35 USC § 101

Applicant's amendments to claims 1, 2, 42, and 44 are sufficient to overcome the previous rejections under 35 USC 101 and the previous rejections under 35 USC 101 are withdrawn.

Claim Rejections - 35 USC § 102

Claims 1-4, 6, 14, 18, 20, 24, 26, 36-38, 40, and 42-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Niwa.

As to claims 1-4, 6, 14, 18, 20, 24, 26, and 42-48, Niwa teaches a settlement terminal, a payment terminal (mobile terminal), and a settlement center are electronically connected (figures 1 and 2);

purchase data is transmitted from the checkout terminal being associated with the customer identification data (column 2, lines 10-14 and figure 3);

the authentication section determines whether the customer identification data transmitted by the communication terminal is the same as the customer identification data transmitted by the checkout terminal (column 2, lines 20-29);

when the customer identification data transmitted by the communication terminal is determined to be the same the customer identification data transmitted by the checkout terminal, the authentication section compares the customer identification data with the customer specific data (column 2, lines 30-62).

As to claims 36-38 and 40, Niwa teaches a settlement terminal, the payment terminal (mobile terminal), and the settlement center are connected electronically, and

the settlement terminal and the payment terminal are electronically connected by an infrared wireless transmission line.

Claim Rejections - 35 USC § 103

Claims 8, 10, 12, 16, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of Nishimura.

As to claims 8 and 10, Niwa does not teach a mobile telephone number (customer identification information) is sent from a mobile terminal to a shop terminal. However, Nishimura does teach a mobile telephone number (customer identification information) is sent from a mobile terminal to a shop terminal and a management device provides certification by confirming whether the customer identification information received from the shop terminal is stored in the storage.

It would be obvious to one skilled in the art at the time of the invention to combine the settlement system of Niwa with the use of telephone numbers of Nishimura. The rationale is that the claimed invention is simply a combination of old elements, and in the combination each element performs the same function as it does separately, and the results of the combination are predictable (rationale A of the KSR decision).

As to claims 12, Niwa teaches that the payment terminal sends terminal identifier to the settlement terminal when the inputted password is identical to the password stored in the storage.

As to claims 16 and 22, the art and rationale of claims 8-11 rejections apply.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of Miura.

As to claims 28, Niwa does not specifically teach confirmation messages. However, Miura does teach message asking for confirmation of the purchased items are communicated to a mobile terminal of a customer before payment process. It would be obvious to one skilled in the art at the time of the invention to combine the settlement system of Niwa with the confirmation of Miura. The rationale is that the claimed invention is simply a combination of old elements, and in the combination each element performs the same function as it does separately, and the results of the combination are predictable (rationale A of the *KSR* decision).

Claims 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of Hishinuma.

As to claims 30 and 32, Niwa does not specifically teach duplicate payments. However, Hishinuma does teach duplicate payment is prevented by setting a payment completion flag that shows whether payment is done or not for each of billing information. It would be obvious to one skilled in the art at the time of the invention to combine the settlement system of Niwa with the duplicate payments of Hishinuma. The rationale is that the claimed invention is simply a combination of old elements, and in the combination each element performs the same function as it does separately, and the results of the combination are predictable (rationale A of the *KSR* decision).

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Niwa in view of Toyoda.

As to claim 34, Niwa does not specifically teach item descriptions. However, Toyoda does teach an item description is sent from the server to the mobile terminal when a reference is made on the purchase specification. It would be obvious to one skilled in the art at the time of the invention to combine the settlement system of Niwa with the item descriptions of Toyoda. The rationale is that the claimed invention is simply a combination of old elements, and in the combination each element performs the same function as it does separately, and the results of the combination are predictable (rationale A of the *KSR* decision).

Response to Arguments

Applicant's arguments filed March 10, 2009 have been fully considered but they are moot in view of the new grounds of rejection.

Examiner's Note

Examiner has cited sections of the references as applied to the claims above for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should fully consider

the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or cited by the Examiner.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leland Marcus whose telephone number is (571)-270-1819. The examiner can normally be reached on 8:30 A.M. - 5:00 P.M. ET, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. If you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LRM/
Patent Examiner

/James P Trammell/
Supervisory Patent Examiner, Art Unit 3694